

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BOARD OF TRUSTEES OF THE
CONSTRUCTION INDUSTRY AND
LABORERS JOINT PENSION TRUST
FOR SOUTHERN NEVADA, *et al.*,

Plaintiffs,

v.

JOHN JORY, LLC, *et al.*,

Defendants.

Case No. 2:23-cv-00782-MMD-BNW

ORDER

Plaintiffs Board of Trustees of the Construction Industry and Laborers Joint Pension Trust for Southern Nevada and the Construction Industry and Laborers Joint Pension Trust for Southern Nevada allege that Defendants John Jory, LLC, John Jory Corporation, and Johnson & Jory Properties, LLC failed to make required payments to the Trust for their assessed withdrawal liability. (ECF No. 8.) Before the Court is Plaintiffs' motion for default judgment. (ECF No. 16.) The Court finds that default judgment is proper. Plaintiffs have satisfied the procedural requirements for default judgment under Fed. R. Civ. P. 55(b). The Clerk of Court properly entered a default against Defendants under Fed. R. Civ. P. 55(a) because Defendants have failed to appear after having been properly served. (ECF Nos. 7, 15.) Plaintiffs have also satisfied the factors for obtaining default judgment articulated in *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986).

It is therefore ordered that Plaintiffs' motion for default judgment (ECF No. 16) is granted. Plaintiffs must file a proposed default judgment order within 10 days of the date of this order, including an updated calculation of interest accrued on Defendants' defaulted withdrawal liability payments through the date of entry of judgment.

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DATED THIS 10th Day of April 2024.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written above a horizontal line.

MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE